

REMARKS

The Official Action of April 3, 2007, has been carefully reviewed. The claims in the application are now claims 1-4, and **these should be in condition for formal allowance consistent with what is stated in the Official Action.** Accordingly, applicant respectfully requests favorable consideration and early formal allowance.

Acknowledgement by the PTO of the receipt of applicant's papers filed under Section 119 is noted. For the record, however, the present application is the U.S. national stage of PCT/JP03/16594, and therefore the priority document should have been forwarded to the PTO from the International Bureau of WIPO. Applicant is in receipt from the PTO of a 371 acceptance letter mailed March 7, 2006, which acknowledges receipt of "Priority Documents filed on 06/27/2005".

No rejections have been imposed on the basis of any prior art, and applicant accordingly understands that applicant's claims are deemed by the PTO to define novel and unobvious subject matter under Sections 102 and 103. No rejections have been imposed under Section 112, and applicant accordingly understands that applicant's claims are deemed by the PTO to be in full conformance with Section 112. Applicant is proceeding in reliance thereof.

Claim 3 was originally alternatively dependent on claim 1 or claim 2, but was preliminarily amended to remove the multiple dependency. Claim 4 has now been added which corresponds to the dependent part of claim 3 dependent on claim 2 instead of claim 1. Claim 4 should be patentable as it depends from and incorporates the subject matter of patentable claim 2.

The only rejection in the application is the rejection of claims 1 and 2 on the basis of obviousness-type double patenting over claims 1 and 2 of co-pending application 10/540,851, this being a provisional rejection because the claims of the co-pending application have not yet been patented. Applicant accordingly respectfully traverses the rejection as being premature, even if it were correct.

Nevertheless, as such a rejection can be overcome by the submission of a terminal disclaimer, applicant submits herewith such a terminal disclaimer. As it is signed by undersigned attorney of record, compliance with 37 CFR 3.73(b) is unnecessary.

As the attached terminal disclaimer overcomes the rejection, applicant respectfully requests that such rejection be withdrawn.

The prior art documents of record and not relied upon by the PTO have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently material to warrant their application against any of applicant's claims.

Applicant believes that all issues raised in the Official Action have been addressed above in a manner that should lead to patentability of the present application. Favorable consideration and early formal allowance are respectfully requested.

Respectfully submitted,

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